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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/431,159	11/01/1999	YORAM BRONICKI	P-15149	8345

7590 02/13/2003

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EXAMINER

DOROSHENK, ALEXA A

ART UNIT	PAPER NUMBER
1764	23

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application N .	Applicant(s)
	09/431,159	BRONICKI, YORAM
	Examiner Alexa A. Doroshenk	Art Unit 1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 22 November 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1 is/are pending in the application.

4a) Of the above claim(s)       is/are withdrawn from consideration.

5) Claim(s)       is/are allowed.

6) Claim(s) 1 is/are rejected.

7) Claim(s)       is/are objected to.

8) Claim(s)       are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on       is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on       is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No.      .
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)      .

4) Interview Summary (PTO-413) Paper No(s)      .

5) Notice of Informal Patent Application (PTO-152)

6) Other:

## DETAILED ACTION

### ***Continued Prosecution Application***

1. The request filed on November 22, 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/431,159 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 1 continues to be rejected under 35 U.S.C. 103(a) as being unpatentable over van Klinken et al. (4,039,429) in view of Friday et al. (US 6,283,627 B1) as presented in paragraph 5 of paper number 20.
4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dongen et al. (4,405,441) in view of van Klinken et al. (4,039,429).

Van Dongen et al. discloses an apparatus comprising:  
a heater for heating heavy hydrocarbons (401) and an atmospheric fractionating tower for fractionating the heated heavy hydrocarbon feed as a first atmospheric distilling unit (407) (Since a still contains both a heat source and a fractionating tower, the atmospheric distillation unit is equivalent to the heater and the atmospheric fractionating tower of the present invention);

a further heater and vacuum fractionating tower as vacuum distilling unit (408) for atmospheric bottoms (421);

a de-asphalting unit (409) for producing DAO (403) and asphaltenes (404) from said vacuum residue (402); and

a thermal cracker (412) for cracking de-asphalting unit oil (403) with recycle connections from an outlet (425) of the thermal cracker (412) to an inlet (418) of the atmospheric fractioning tower (407) (via 425, 428, 429, 405, 415, 416, 418).

Van Dongen et al. further discloses wherein the light vacuum fractions may be subjected to thermal cracking (col. 1, lines 25-28) and further sites the van Klinken et al. reference as demonstrating the processing of such fractions.

Looking to the sited van Klinken et al. reference, the vacuum distilling zone (3) has light fraction (21) sent to a cracking zone (10) along with oil (23) from a de-asphalting unit (4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide means, in the apparatus of Van Dongen et al., for supplying the vacuum light fractions to the thermal cracking unit (412) as it has been taught by van Klinken et al. that a single cracking unit is capable of cracking both vacuum light fractions and de-asphalting unit oil and since such further processing of vacuum light fractions by thermal cracking is recognized by Van Dongen et al. to be desirable.

### ***Response to Arguments***

#### **35 USC 112, Second Paragraph**

The rejection of Claim 1 under 35 USC 112, second paragraph is withdrawn due to applicant's amendment to the claim.

AIPA

Applicant argues that the Friday et al. reference is no longer available as prior art due to the filing of a CPA in the instant application and that both the reference and the application have been assigned to Ormat Industries Ltd.

Applicant has not provided the required evidence for such disqualification of the reference because a proper statement of common assignation is lacking. Such a statement must state that "the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person".

If such a statement were to be made of record with regard to the application and the Friday et al. reference, the Friday et al. reference would no longer be applicable as prior art.

35 USC 103

Applicant argues that van Klinken does not disclose thermal cracking but rather catalytic cracking and that proper operation of van Klinken will not result in heavy materials to recycle.

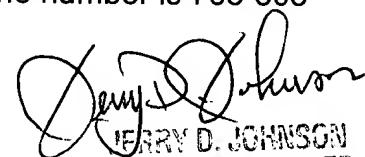
In response to applicant's arguments against the references individually, one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Friday et al. is provided for a teaching and motivation to replace the catalytic cracking unit of van Klinken with a thermal cracking unit.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexa A. Doroshenk whose telephone number is 703-305-0074. The examiner can normally be reached on Monday - Thursday from 9:00 AM - 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Calderola can be reached on 703-308-6824. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



JERRY D. JOHNSON  
PRIMARY EXAMINER  
GROUP 1100

JD  
AAD  
February 5, 2003